



CASE 4-32591A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
DELL ET AL.

Art Unit: 1626

Examiner: Kamal A. Saeed

APPLICATION NO: 10/620,625

FILED: JULY 16, 2003

FOR: N-ALKYLATION OF INDOLE DERIVATIVES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 6,596,877** issued July 22, 2003. Said Patent No. 6,596,877 is also assigned to Novartis AG by virtue of an assignment which an assignment which was recorded in the United States Patent and Trademark Office on May 15, 2003 at Reel/Frame 014069/0096.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,596,877 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

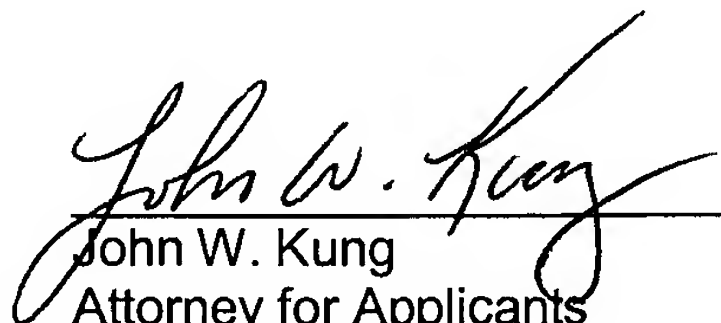
In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,596,877, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to

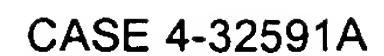
pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 9<sup>th</sup> day of December, 2004 by the undersigned attorney of record.

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7877

  
\_\_\_\_\_  
John W. Kung  
Attorney for Applicants  
Reg. No. 44,199



**FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10**

December 9, 2004

Express Mail Label Number

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1626

DELL ET AL.

**Examiner: Kamal A. Saeed**

APPLICATION NO: 10/620,625

FILED: JULY 16, 2003

FOR: N-ALKYLATION OF INDOLE DERIVATIVES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

## FEE LETTER FOR TERMINAL DISCLAIMER


Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is here enclosed.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7877  
Date: 12-09-2004

  
John W. Kung  
Attorney for Applicants  
Reg. No. 44,199